

Remarks

This amendment and the accompanying remarks respond to the Office Action mailed January 28, 2005. Reconsideration of this application is respectfully requested.

The examiner's courtesy in conducting a telephone interview on April 27, 2005 is greatly appreciated, and it advanced the prosecution of his application considerably. In the course of the interview, the examiner acknowledged that the sentence "Note, the examiner is not considering flap 7 to be part of the back panel because flap 7 is a separate element which, when the flap is folded over the opening 6, the line of separation will be apparent from the panel", while intended to be helpful, was not, engendering confusion rather than clarity. In addition, the examiner acknowledged that the references relied on did not show a container formed of two panels in which the top flap is formed by folding along a line that intersects one of two seams which join the panels. In addition, the examiner indicated a willingness to consider the teachings of the Nuova patent given its assertion that the disclosed "envelope" or sleeve is for display purposes only.

This application presently includes claims which have been indicated as allowable. Specifically, in the parent case claims 26, 27, 34, 35, and 62 were indicated as allowable, and no changes have been made to those claims. They therefore are in condition for allowance.

By this amendment, amendments have been made to claims 70 and 83. These amendments add structural features not found or obvious in view of any of the known art. Claims 70 and 83 now affirmatively recite as a claim element a fold line as well as its location. In the Ikeda reference, there are no folds that pass through a seam. The pending claims now recite that the fold line passes through only one of the seams that join the panels of the container. Therefore the Ikeda patent cannot anticipate the pending claims.

The claims have also been rejected as obvious in view of the Nuova patent as modified by Weder (US 5,966,869). The embodiment of Figures 17 A-C of the Weder patent is the pertinent embodiment. There a flap can be folded over in the direction of arrow 70 to close the top of the container. The fold line formed by this operation does not intersect the seams. In addition, the Nuova reference specifically teaches against forming fold-over flaps. In describing prior art rectangular envelopes for wrapping flowers

as well as cone shaped envelopes for bouquets, the Nuova reference says that these envelopes are easier to use than simple flat sheets. The Nuova reference continues that these envelopes "still waste material, of which there is a surplus compared with what would actually be necessary to wrap the article **while still leaving it sufficiently visible.**" See page 4 of the translation of the Nuova text (emphasis added). In the last paragraph on the next page of the translation Nuova explains why one seam of its triangular envelope is longer than the other, namely "**to act as a back-drop to the article being wrapped.**" Finally, on page 8 of the translation, which constitutes an amendment of sorts, the Nuova reference states that its sheets need not be triangular but that additional flaps extending from them would be "**serving for decorative purposes only.**" The Nuova reference adds a claim to these flaps in which he says that the flaps would be "**serving exclusively for decorative purposes**".

The text of the Nuova reference therefore shows that folding is not intended and that folding over a flap of the Nuova envelope would be contrary to its purposes forming a decorative backdrop for display. It would not be obvious for one of ordinary skill in the art, faced with this teaching to leave the flowers on display, to fold over a portion of the envelope, because any such folding would contradict the display function. Moreover, none of the references teach folding over a long a fold line that passes through a seam.

The amendments also overcome the other rejections for the same reasons discussed above.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/28/05

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